

PAKER BOTTS L.L.

MAY -5 PM 10:00



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICEWASHINGTON, D.C. 20535  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,869	02/13/2002	Paul D. Robbins	AP32573-AAA 072396.0

21003  
BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112



CONFIRMATION NO. 9884

#7 FORMALITIES LETTER



\*OC000000007970838\*

Date Mailed: 04/29/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Line spacing on the specification, claims, or abstract is not 1-1/2 or double spaced (See 37 CFR 1.52(b)).
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and

Docketed

For 6/29/2002 by

10/29

09/04/2002 HADELR1 00000041 10075869

65.00 OP

01 FC:205

durable (see 37 CFR 1.84(e));

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

---

*A copy of this notice **MUST** be returned with the reply.*



---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



A32573-A-A-A 072396.0237  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robbins et al.  
Serial No. : 10/075,869 Examiner : To Be Assigned  
Filed : February 13, 2002 Group Art Unit : 1627  
For : IDENTIFICATION OF PEPTIDES THAT FACILITATE UPTAKE AND  
CYTOPLASMIC AND/OR NUCLEAR TRANSPORT OF PROTEINS,  
DNA AND VIRUSES

AMENDMENT AND RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION


CERTIFICATE OF MAIL

I hereby certify that this paper is being deposited with the United States Postal  
Service as First Class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 28, 2002

Alicia A. Russo  
Attorney's Name

46,192  
Registration No.

  
Signature

August 28, 2002  
Date of Signature

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Notice to File Missing Parts issued in the  
above-identified application on April 29, 2002. Applicants request a two month extension of  
time for this response and enclose the requisite extension of time fee as required under 37 C.F.R.  
§ 1.17(a)(2).

## PATENT

Applicants submit herewith the Declaration in compliance with 37 C.F.R. §1.63 and sixty-six (66) pages of substitute drawings in compliance with 37 C.F.R. §1.27. Applicants also submit a substitute specification in compliance with 37 C.F.R. §1.52(b).

AMENDMENTSIN THE SPECIFICATION

Please substitute the attached specification.

REMARKS

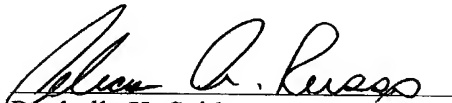
Applicants submit herewith the Declaration in compliance with 37 C.F.R. §1.63 and sixty-six (66) pages of substitute drawings in compliance with 37 C.F.R. §1.27.

Applicants also submit a substitute specification in compliance with 37 C.F.R. §1.52(b). The line spacing for the claims and the abstract has been amended to be double-spaced. The substitute specification contains no new matter. Although the specification contains no amendments to the text, attached hereto is a marked-up version of specification pursuant to 37 C.F.R. §1.125. The marked-up version is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE". Should any discrepancies be discovered, the version presented in the preceding "AMENDMENTS" section shall take precedence.

A32573-A-A-A 072396.0237  
PATENTCONCLUSION

Applicants enclose the fee required for late filing of a Declaration pursuant to 37 C.F.R. §1.16(e) and extension of time fee as required under 37 C.F.R. § 1.17(a)(2). Also enclosed is a copy of the Notice to File Missing Parts of Nonprovisional Application. Should any additional fees be required or overpayment made in connection with this submission, the Commissioner is hereby authorized to charge such fees or credit any overpayment to Deposit Account 02-4377. A duplicate copy of this page is provided.

Respectfully submitted,

Dated: August 28, 2002Rochelle K. Seide  
Patent Office Reg. No. 32,300Alicia A. Russo  
Patent Office Reg. No. 46, 192

Attorneys for Applicants

BAKER BOTTS, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2627



10075869 090302

A32573-A-A-A 072396.0237  
PATENT

CONCLUSION

Applicants enclose the fee required for late filing of a Declaration pursuant to 37 C.F.R. §1.16(e) and extension of time fee as required under 37 C.F.R. § 1.17(a)(2). Also enclosed is a copy of the Notice to File Missing Parts of Nonprovisional Application. Should any additional fees be required or overpayment made in connection with this submission, the Commissioner is hereby authorized to charge such fees or credit any overpayment to Deposit Account 02-4377. A duplicate copy of this page is provided.

Respectfully submitted,

Dated: August 28, 2002

Rochelle K. Seide  
Patent Office Reg. No. 32,300

Alicia A. Russo  
Patent Office Reg. No. 46, 192

Attorneys for Applicants

BAKER BOTTS, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2627



**BAKER BOTTS LLP**

Please type a plus sign (+) inside this box → **+**

10075869,090302

MP8

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/075,869
Filing Date	Feb. 13, 2002
First Named Inventor	Robbins
Group Art Unit	1627
Examiner Name	To Be Assigned
Attorney Docket Number	AP32573-AAA 072396.0237

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>See Remarks Below |
|--|--|--|

Remarks



1. Substitute Specification (93 pages) 2. Marked Up Substitute Specification (93 pages) 3. Declaration (4 pages) 4. Drawings (66 sheets)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Att Name: Alicia A. Russo PTO Reg: 46,192
Date	August 28, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 28, 2002

Typed or printed name	Alicia A. Russo		
Signature		Date	August 28, 2002



BAKER BOTTS LLP

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 265

## Complete if Known

Application Number	10/075,869
Filing Date	Feb. 13, 2002
First Named Inventor	Robbins
Examiner Name	To Be Assigned
Group Art Unit	1627
Attorney Docket No.	AP32573-AAA 072396.0237

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																					
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to</p> <p>Deposit Account Number: 02-4377</p> <p>Deposit Account Name: Baker Botts LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>65</td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>920*</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1,840*</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>400</td> <td>200</td> <td>Extension for reply within second month</td> <td>200</td> </tr> <tr> <td>920</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,440</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1,960</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>280</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1,510</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1,280</td> <td>640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1,280</td> <td>640</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>460</td> <td>230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>620</td> <td>310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>50</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>900</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> <p>Other fee (specify) _____</p>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath	65	50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	For filing a request for <i>ex parte</i> reexamination		920*	920*	Requesting publication of SIR prior to Examiner action		1,840*	1,840*	Requesting publication of SIR after Examiner action		110	55	Extension for reply within first month		400	200	Extension for reply within second month	200	920	460	Extension for reply within third month		1,440	720	Extension for reply within fourth month		1,960	980	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		1,510	1,510	Petition to institute a public use proceeding		110	55	Petition to revive - unavoidable		1,280	640	Petition to revive - unintentional		1,280	640	Utility issue fee (or reissue)		460	230	Design issue fee		620	310	Plant issue fee		130	130	Petitions to the Commissioner		50	50	Processing fee under 37 CFR 1.17(q)		180	180	Submission of Information Disclosure Stmt		40	40	Recording each patent assignment per property (times number of properties)		740	370	Filing a submission after final rejection (37 CFR § 1.129(a))		740	370	For each additional invention to be examined (37 CFR § 1.129(b))		740	370	Request for Continued Examination (RCE)		900	900	Request for expedited examination of a design application	
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																				
130	65	Surcharge - late filing fee or oath	65																																																																																																																				
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																					
130	130	Non-English specification																																																																																																																					
2,520	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																					
920*	920*	Requesting publication of SIR prior to Examiner action																																																																																																																					
1,840*	1,840*	Requesting publication of SIR after Examiner action																																																																																																																					
110	55	Extension for reply within first month																																																																																																																					
400	200	Extension for reply within second month	200																																																																																																																				
920	460	Extension for reply within third month																																																																																																																					
1,440	720	Extension for reply within fourth month																																																																																																																					
1,960	980	Extension for reply within fifth month																																																																																																																					
320	160	Notice of Appeal																																																																																																																					
320	160	Filing a brief in support of an appeal																																																																																																																					
280	140	Request for oral hearing																																																																																																																					
1,510	1,510	Petition to institute a public use proceeding																																																																																																																					
110	55	Petition to revive - unavoidable																																																																																																																					
1,280	640	Petition to revive - unintentional																																																																																																																					
1,280	640	Utility issue fee (or reissue)																																																																																																																					
460	230	Design issue fee																																																																																																																					
620	310	Plant issue fee																																																																																																																					
130	130	Petitions to the Commissioner																																																																																																																					
50	50	Processing fee under 37 CFR 1.17(q)																																																																																																																					
180	180	Submission of Information Disclosure Stmt																																																																																																																					
40	40	Recording each patent assignment per property (times number of properties)																																																																																																																					
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																					
740	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																					
740	370	Request for Continued Examination (RCE)																																																																																																																					
900	900	Request for expedited examination of a design application																																																																																																																					
<p><b>FEE CALCULATION</b></p> <p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>740</td> <td>370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>510</td> <td>255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>740</td> <td>370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>160</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (1) (\$ 0</p> <p>2. EXTRA CLAIM FEES</p> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>20**</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Independent Claims</td> <td>3**</td> <td>0</td> <td>0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>18</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>84</td> <td>42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>280</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>84</td> <td>42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>18</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (2) (\$ 0</p> <p>*or number previously paid, if greater, For Reissues, see above</p>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	740	370	Utility filing fee		330	165	Design filing fee		510	255	Plant filing fee		740	370	Reissue filing fee		160	80	Provisional filing fee		Total Claims	Extra Claims	Fee from below	Fee Paid	20**	0	0	0	Independent Claims	3**	0	0	Multiple Dependent				Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	18	9	Claims in excess of 20		84	42	Independent claims in excess of 3		280	140	Multiple dependent claim, if not paid		84	42	** Reissue independent claims over original patent		18	9	** Reissue claims in excess of 20 and over original patent		<p>SUBTOTAL (3) (\$ 265</p> <p>*Reduced by Basic Filing Fee Paid</p>																																																					
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																				
740	370	Utility filing fee																																																																																																																					
330	165	Design filing fee																																																																																																																					
510	255	Plant filing fee																																																																																																																					
740	370	Reissue filing fee																																																																																																																					
160	80	Provisional filing fee																																																																																																																					
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																				
20**	0	0	0																																																																																																																				
Independent Claims	3**	0	0																																																																																																																				
Multiple Dependent																																																																																																																							
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																				
18	9	Claims in excess of 20																																																																																																																					
84	42	Independent claims in excess of 3																																																																																																																					
280	140	Multiple dependent claim, if not paid																																																																																																																					
84	42	** Reissue independent claims over original patent																																																																																																																					
18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Alicia A. Russo	Registration No. (Attorney/Agent)	46,192
Signature	<i>Alicia A. Russo</i>	Telephone	212-408-2627
		Date	August 28, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.